



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

April 6, 2016

Regular Session

6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San José, CA 95113

Commission Members

Edward Saum, Chair

Joshua Marcotte, Vice Chair

Rachel Grothe

Eric Hirst

Patricia Jones

Anthony Raynsford

Max Schultz

Harry Freitas, Director

Department of Planning, Building & Code Enforcement

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carina Shattuck at 408-535-5695 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA

ORDER OF BUSINESS

ROLL CALL

Commissioners Marcotte, Grothe, and Schultz absent

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time

No Items

3. PUBLIC HEARINGS

No Items

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

5. OPEN FORUM

- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Mr. Larry Ames informed the Commission that the nomination of the "Willow Glen Trestle" to the National Register of Historic Places is scheduled to be heard before the State Historic Resources Commission at their April 18, 2016 meeting. Mr. Ames summarized the meeting procedures and informed the Commission that the City has sent a letter of objection to the nomination to the State Historic Resources Commission.

6. GOOD AND WELFARE

a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items

Staff reported that the deaccession of items from History San Jose Collections is scheduled to go before the City Council at the April 19, 2016 meeting. A memo summarizing the Commission's discussion and recommendation has been provided to the Council.

2. Future Agenda Items

Staff expects to bring a Historic Preservation Permit to demolish non-historic parts of a building at the San Jose Water Company City Landmark site as part of a large office and residential development proposed on the parking lots adjacent to the Landmark site. Staff also expects to bring the Notice of Preparation of an Environmental Impact Report for the Levitt Pavilion project for review and comment by the Commission at upcoming meeting.

3. Summary of communications received by the Historic Landmarks Commission

No communications were received by the Commission.

b. Election of new member to Design Review Committee

Staff reported that Commissioner Schultz has resigned from the Design Review Committee; therefore, there is an opening for a new member.

The Commission discussed the vacancy on the Committee. Commissioners Raynsford and Hirst indicated that they are unable to serve on the Committee due to scheduling conflicts. The Commission voted 4-0-3 (Marcotte, Grothe, & Schultz absent) to defer the election of a new member to the Design Review Committee to the May Historic Landmarks Commission meeting.

c. Process for election of Chair and Vice Chair ([Historic Landmarks Commission Bylaws](#))

Staff summarized the process for election of Chair and Vice Chair, in which Commissioners interested in serving as officers submit statements of interest at the March meeting and the Chair appointing a nomination subcommittee at that meeting. The subcommittee would meet to review the statements of interest and bring a recommendation for election of Chair and Vice Chair to the April meeting for a vote by the Commission. Staff reported that the Commission did not follow the process in the previous year and has missed the deadlines to follow the process in the current year. Staff recommended that the Commission discuss the current process for election of Chair and Vice Chair, recommend a new process, and vote to direct staff to return with an amendment to the Commissions By-laws for consideration at the next meeting.

The Commission discussed the current process and potential changes to the process. The Commission asked staff if the process prescribed in the by-laws had been adhered to in previous years. Staff responded that they do not believe the process has been followed for several years.

Commissioner Raynsford moved to direct staff to bring a revision to the Commission's By-laws to the next meeting to eliminate the nomination subcommittee, to accept statements of interest for Chair and Vice Chair at the May meeting, and hold the election for Chair and Vice Chair at the June meeting. Commission Hirst seconded the motion. The motion passed 4-0-3 (Marcotte, Grothe, & Schultz absent)

- d. Recap of Office of Historic Preservation March 18th Workshop

Commissioner Jones reported that content of the workshop covered information that the Commission does not consider and therefore was not of use to her.

- e. Verbal update on Levitt Pavilion

Staff reported that the City has started initial stages for preparation of the EIR for the Levitt Pavilion in St. James Park and that staff expects to bring the Notice of Preparation to the next meeting or the meeting thereafter for review and comment by the Commission.

Mr. Brian Grayson, a representative of the Friends of Levitt San Jose Committee, informed the Commission that staff from the Levitt Foundation has recently met with the Committee and visited the park and that other St. James Park planning efforts such as those by the St. James Park Advisory Committee will be evaluated together with the Levitt Pavilion as part of the upcoming EIR. Commissioner Raynsford asked if the park is included in the historic designation as a historic landscape. Mr. Grayson stated that the park is a part of the historic district and that he is unaware of if specific landscape elements have been evaluated and determined to be historic. Commissioner Jones asked where the pavilion is proposed in the park. Mr. Grayson responded that the proposal is currently to have the pavilion in the northeast quadrant of the park.

- f. Report from Committees

1. Design Review Subcommittee (Saum and Jones)
Meets the 3rd Wednesday of the month as necessary

The Committee did not meet in March.

- g. Approval of Action Minutes

1. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [March 2, 2016](#)

Commissioner Raynsford moved to approve the Action Minutes for the Historic Landmarks Commission meeting of March 2, 2016. Commissioner Jones seconded the motion. The motion passed 4-0-3 (Marcotte, Grothe, & Schultz absent).

- h. Status of Circulating Environmental Documents: Negative Declarations
<http://www.sanjoseca.gov/index.aspx?NID=2165> and Draft Environmental Impact Reports
<http://www.sanjoseca.gov/index.aspx?NID=2434>

Staff reported that there are no environmental documents of note to the Commission currently in circulation.

ADJOURNMENT

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.